

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

As to applicant's claim to priority, the Official Action notes that the drawings submitted in the priority document are not the same as those shown in the present application.

Applicant notes that the priority application need not be exactly the same as the present application. The priority application must be examined for the question of sufficiency of disclosure under 35 USC §112, as well as to determine if there is a basis for the claims sought.

In the present case, the priority application sufficiently discloses the present invention under 35 USC §112 and provides the basis for the recited claims.

As to the difference between the drawings, the drawings of the present invention were formalized and modified for clarity. However, the features of the invention as presently claimed are unchanged.

Specifically, the drawings of the priority document were made into several drawings such that Figure 7 of the priority document corresponds to Figures 1, 2, 3 and 5 of the present application. Similarly, Figures 14, 15 and 16 of the present application correspond to Figure 10 of the priority document. However, no new matter is added by these changes or modifications.

In view of the above, it is believed to be apparent that the priority document provides sufficient disclosure under 35 USC §112 and provides a basis for the present claims and thus applicant is entitled to the priority benefit.

The specification is amended to make editorial changes therein to address the specification objection noted in the Official Action.

As to the requirement that the specification be in American English, 37 CFR 1.52(b)(1)(ii) only requires that the application be in the English language. There is no additional requirement that the English must be American English. MPEP 608.01 states that the Examiner should not object to the specification and/or claims in patent applications merely because applicants are using British English spellings rather than American English spellings. It is not necessary to replace the British English spellings with the equivalent American English spellings in the U.S. patent applications.

Thus, the amendments to the specification are believed sufficient to address the objection noted in the Official Action.

The specification was also rejected under 35 USC §112, first paragraph, as not being written in "full, clear, concise, and exact terms." That rejection is respectfully traversed.

The specification includes the term "zone" and "portion" and uses these terms interchangeably. See, for example, paragraph [0008] and paragraph [0045]. In order to

advance prosecution, however, the term "zone" has been removed and replaced by "portion" throughout for consistency. The above change has support in the original specification and is believed not to introduce new matter while addressing the 35 USC §112, first paragraph rejection. Accordingly, reconsideration and withdrawal of the same is respectfully requested.

Claims 1-8 were previously pending in the application. Claims 3 and 5 are canceled and new claim 9 is added. Therefore, claims 1, 2, 4 and 6-9 are presented for consideration.

As to the claim objections for the spelling of "mold", see the above discussion with respect to MPEP 608.01. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1-8 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. That rejection is respectfully traversed.

Changing the term "zone" to "portion" is believed to address the 35 USC §112, first paragraph rejection and withdrawal of the same is respectfully requested.

Claims 1-8 were rejected under 35 USC §112, second paragraph, as being indefinite. That rejection is respectfully traversed.

As set forth above, the term "zone" has been changed to "portion" and is consistent with a section of the hexagonal outer profile. That is, the mouldings have a hexagonal outer profile

having a plurality of joining portions or sections. Six such portions make up one hexagonal moulding. Such is clearly shown in Figure 7 and disclosed at least on page 8, lines 15-24 of the application as filed. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-4 and 6-8 were rejected under 35 USC §102(b) as being anticipated by STEVENS 5,803,007 and claim 5 was rejected under 35 USC §103(a) as being unpatentable over STEVENS. These rejections are respectfully traversed.

Claim 1 is amended to include the subject matter of claims 3 and 5 and recites a moulding having a hexagonal outer profile.

Amended claim 1 defines an assembly of at least two mouldings having a hexagonal outer profile incorporating a plurality of joining portions. The joining portions comprise flat outer faces of the moulding disposed at an angle to one another. A first moulding can be joined to a second moulding with any one of the joining portions in a face-to-face relationship with the joining portion of the second moulding.

As recognized in the Official Action, STEVENS does not disclose a hexagonal shape. The position set forth in the Official Action is that the hexagonal shape is known and it would have been obvious to use such shape in STEVENS as an obvious design choice.

However, this position is believed to be untenable for the reasons set forth below.

STEVENS discloses a modular float having "jigsaw" engagement structures on sides which extend at 90° to the top and bottom surfaces. There is no suggestion in STEVENS of floats being hexagonal in profile. Rather, the jigsaw engagement system described by STEVENS could not function with such a profile.

Specific features of STEVENS' construction such as attachable side pontoons and locking pins would not work with a hexagonal profile or would require a substantial modification of STEVENS which would require a change in the principle of operation of STEVENS to function with chamfered sides or sides set at non-parallel angles.

Clearly, STEVENS teaches away from the use of a hexagonal profile in favor of a structure which extends at 90° to the top and bottom surfaces.

Moreover, modifying STEVENS in the manner suggested would render STEVENS unsatisfactory for its intended purpose. Column 1, lines 62-64 of STEVENS includes a goal of maintaining the top surfaces at a substantially even plane.

In contrast, the hexagonal outer profiles of the present invention provide a contrary advantage, requiring intermediate mouldings to be raised or lowered to a plane offset vertically from the plane of mouldings fixed to either side. This allows the mouldings to form a catamaran or trimaran

structure with parts of the assembly raised above the water, but makes it impossible to maintain the top surfaces at a substantially even plane, unless two different complementary mouldings are provided for this purpose. See, for example, page 11, lines 14-28.

The floats shown in STEVENS are substantially square in plan for a reason, that is, because floats that are hexagonal in plan would not work in STEVENS. STEVENS' structures are specifically designed so that "adjacent floats will only align in a particular direction". See column 4, line 55. Floats in STEVENS have moulded keels on the underside which makes this requirement advantageous. A float with a hexagonal plan made in accordance with STEVENS would suffer the disadvantage of having twice as many "wrong" alignments as "right" ones.

In contrast, using the hexagonal outer profiles in floats as recited in the present invention enables a connection in different positions that would be considered a regression to STEVENS and that would not be obvious in light of STEVENS. Additional locking pins would be required, and described structures such as side pontoons would require substantial modification to fit the zigzagged edges if STEVENS were to be modified in the manner suggested.

Accordingly, as set forth above, STEVENS teaches away from the present invention and could not be modified without changing the principle of operation or rendering STEVENS

unsatisfactory for its intended purpose. Therefore, one of ordinary skill in the art would not have been motivated to modify STEVENS in the manner suggested. Accordingly, claim 1 and the claims that depend therefrom are believed patentable over STEVENS.

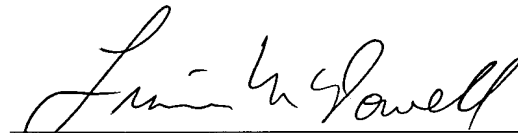
New claim 9 is added. Claim 9 includes features similar to that of claim 1 and the analysis above regarding claim 1 is equally applicable to claim 9.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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